

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** *JL for* Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

**DATE:** February 15, 2016

**SUBJECT: Public Hearing Report for ZC #08-30B**  
JBG Half Street  
Zoning Commission Design Review Under the Capitol Gateway Overlay

### **I. SUMMARY RECOMMENDATION**

The applicant has applied for a modification of the original project, a mixed use development originally approved by the Commission in 2009 and subsequently modified in 2011. This proposal includes a redesign of the southern part of the building and a change in use from office to residential for the portion of the building just south of the Via, the private pedestrian alley bisecting the project. The Office of Planning (OP) reviewed the application pursuant to the review criteria of Chapter 16 of the Regulations, the Capitol Gateway Overlay. The application successfully addresses most of the criteria of the Overlay and OP strongly supports the project. OP has requested that the applicant address the outstanding items in this report, and pending resolution of those issues OP would have no objection to the overall application. OP also supports the relief requested with the application.

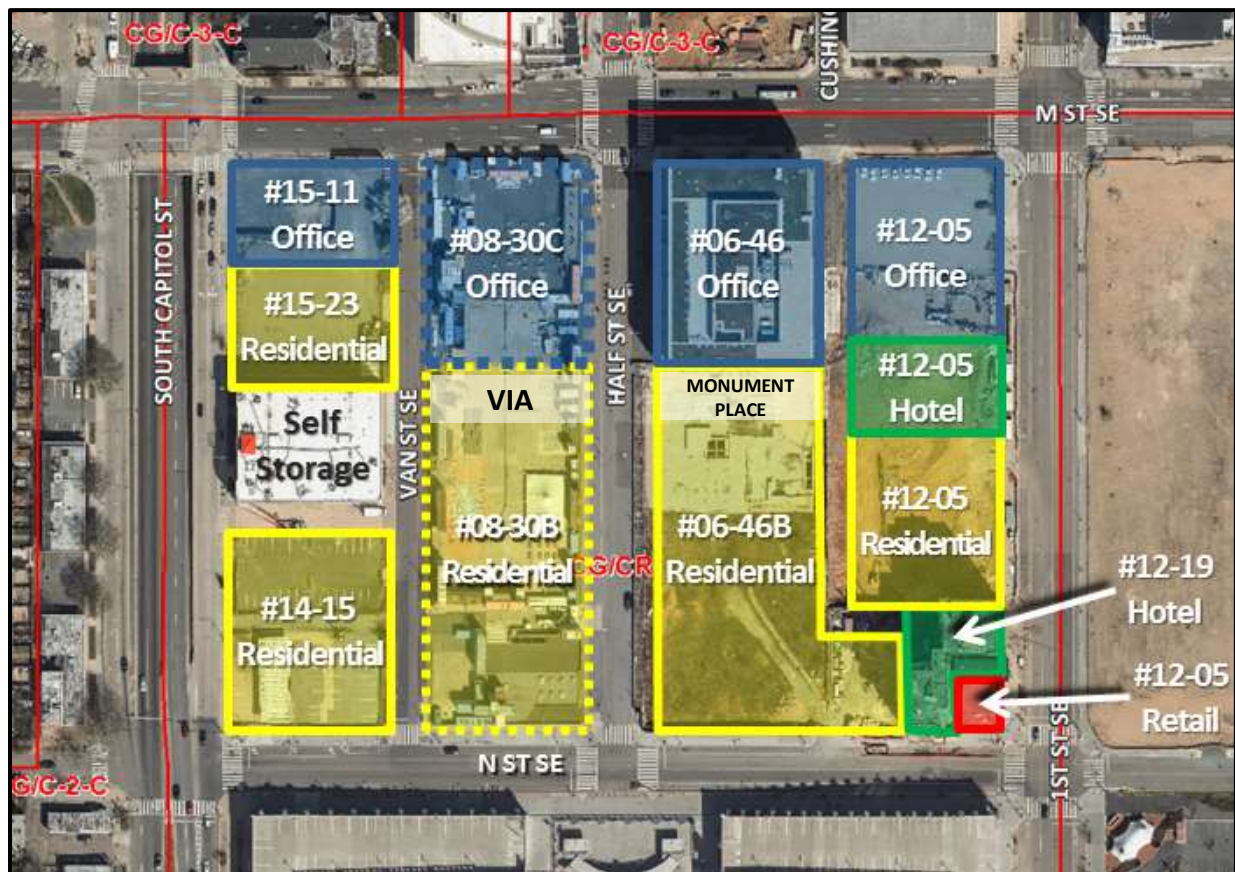
### **II. APPLICATION-IN-BRIEF**

<b>Location</b>	Northwest corner of N and Half Street, SE Ward 6, ANC 6D
<b>Applicant</b>	West Half Residential II and West Half Residential III, LLC (JBG)
<b>Zoning</b>	CR / CG (Commercial Residential / Capitol Gateway Overlay)
<b>Site Area</b>	87,991 sf (entire lot from M Street to N Street)
<b>Proposed Development</b>	A 110', 7.64 FAR mixed use building with residential, office and retail. The subject of this application is only the southern part of the building, which is proposed for residential and retail.
<b>Relief</b>	Pursuant to 11 DCMR §1610.7, the following relief is required in order to develop as proposed: <ol style="list-style-type: none"> <li>1. Variance from lot occupancy (§ 634; 75% maximum for residential; 100% proposed on second floor where residential units begin);</li> <li>2. Variance from Half Street step back requirements (§ 1607.2; Matter-of-</li> </ol>

	<p>right: 20' depth at 65' in height; Special exception: 12' depth at 80' in height; Proposed: Various stepbacks requiring variance relief);</p> <ol style="list-style-type: none"> <li>3. Variance from compact space requirements (§ 2115.4; groups of minimum 5 compact spaces; smaller groupings proposed);</li> <li>4. Variance from loading requirements (§ 2201; provide no 55' berths where two are required);</li> <li>5. Special Exception from penthouse enclosing wall requirements (§ 411.9; to provide a single residential story with enclosing walls of multiple heights).</li> </ol>
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### III. SITE AND AREA DESCRIPTION AND BACKGROUND

The subject property is located at the northwest corner of N and Half Streets, across N Street from the baseball stadium. The entire east half of Square 700 was approved for a mixed use development in case #08-30. That development would have consisted of a single building spanning from M to N Streets and crossing a private alley known as the Via. The current application, #08-30B, applies to only the portion of the building south of the Via and to the Via itself. Please refer to the vicinity map and the further area description below. A separate application, #08-30C, has been filed by the owner of the north portion of this site for a modification to the approved office building design. That hearing is scheduled for March 31.



The site is bounded by Van Street on the west, N Street on the south, Half Street on the east, and the remainder of the #08-30 property to the north. The subject site currently has no permanent structures on it, but has a temporary entertainment use frequented on baseball game days. The property is zoned CR / CG (Commercial Residential / Capitol Gateway Overlay), as are the other properties in Square 700 and 701 to the east. The Navy Yard metro station west entrance is immediately northeast of the subject site at the corner of M and Half Streets.

#### IV. PROJECT DESCRIPTION

The subject application seeks to modify the southern portion of the single building approved in case 08-30 and 08-30A. That building included a northern portion devoted to office, separated by the Via from a southern portion devoted to both office and residential. This proposal would modify the southern portion to remove the office use and change the architecture and building form. The application proposes a 110', 11-story residential building with an occupiable penthouse, as well as a full ground floor and partial second floor of retail. The basic building parameters are shown in the table below.

Item	Approved	Proposed
Site Area – Entire Site	87,991 sf	No change
Site Area – Subject Site Only (Includes Via)	55,595 sf	No change
Height	110'	110' w/ 20' occupied penthouse
Total Floor Area (entire project)	709,158 sf	672,558 sf
Total FAR (entire project)	8.06	7.64
Non-residential GFA	420,916 sf	315,611 sf <sup>1</sup>
Residential GFA	288,242 sf	356,977 sf <sup>2</sup>
Penthouse Residential Area	n/a	24,870 sf
Number of Units	260 – 300	223 Condo <u>190 Rental</u> 413 Total (10% Flex. Requested)
Retail GFA	51,624 sf	68,935 sf (southern portion) 19,938 sf (northern portion)

1 Includes reduction in office floor area proposed in 08-30C.

2 Does not include penthouse floor area.

Retail would occupy all of the Half, N and Via façades of the ground floor, and a significant percentage of Van Street as well. Two residential lobbies and parking and loading would be accessed from Van Street. Retail would occupy much of the second floor along Half and N Streets, and residential units would face the Via and Van Street on that floor. The second story retail would be double height and occupy volume in the third floor as well. Above the third floor the building would be entirely residential, with rental units to the north and condo units to the south. A central courtyard would provide light and air to units facing the interior of the building.

The mass of the building could be said to erode from the southeast corner at Half and N, and taper away from those streets. The form of the building, composed of cuboids, or blocks, continually steps back in a series of terraces and balconies that would be heavily landscaped. According to the applicant those landscaped areas would be maintained by the property management company, rather than by individual unit owners. OP recommends that that commitment be made a condition of the Order. Exterior materials are briefly described on Sheet A420 of Exhibit 21B and would include a significant amount of glass, metal slab-cover panels which seem to have a brushed finish, and colored metal panels highlighting the soffit. The level of detail provided for the materials is very basic and OP recommends that the applicant provide additional descriptions and samples prior to or at the public hearing.

### **Housing**

The application proposes a total of 413 residential units, 10 of which, totaling 24,870 square feet, would be in the penthouse. Pursuant to § 411.16, that floor area would be subject to Inclusionary Zoning (IZ), but at 50% AMI rather than 80%. The applicant will also be providing IZ units for the increase in housing floor area that would result from this modification. Please refer to the table below. In the CR zone, IZ units must be eligible to moderate income households (80% AMI).

	<b>Penthouse</b>	<b>Increase in Residential Floor Area from 08-30A (not including penthouse)</b>
Floor Area	24,870 sf	68,735 sf (356,977 proposed minus 288,242 approved)
8% IZ Requirement	1,990 sf @ 50% AMI	5,500 sf @ 80% AMI

## **V. ZONING**

The subject site is zoned CR / CG (Commercial-Residential / Capitol Gateway Overlay). The CR district is designed to “help create major new residential and mixed use areas in planned locations at appropriate densities, heights and mixture of uses” (600.3(a)). The Capitol Gateway Overlay is intended to encourage a mix of uses while creating a pedestrian-friendly environment. The applicant’s proposal requires relief from the specific zoning regulations listed below.

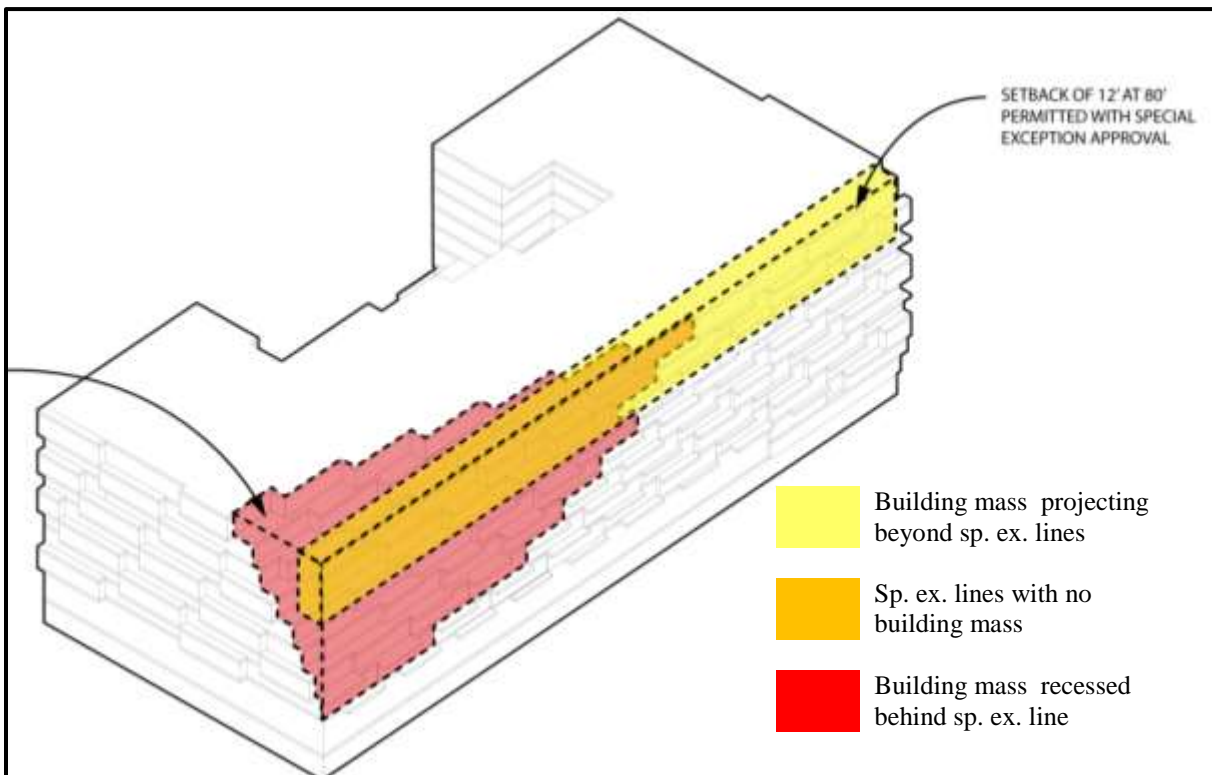
### **1. Variance from lot occupancy (§ 634)**

Similar to the original application, the present modification requests relief from lot occupancy. The lot occupancy at the second floor, where residential uses begin, would be 93% for the entire building between M and N Streets, the same as previously approved. Any building on the subject site must have four prominent sides holding the street walls of M, Half, N and Van Streets in order to create active streetscapes that are pedestrian friendly. The proposed design accomplishes those goals while still modulating the mass of the building to decrease the lot occupancy at higher stories. Open space on the lot is provided by the required 15 foot setback from M Street and at the Via. OP has no objection to the requested relief.



## 2. Variance from Half Street step back requirement (§ 1607.2)

Section 1607.2 requires a 20 foot stepback at 65 feet in height, and permits special exception relief to reduce the stepback to 12 feet at 80 feet in height. The approved application received variance relief to exceed the special exception stepback in certain locations. The current design proposes a building form that recedes away from the south-facing observer on Half Street, using a multitude of cuboid shapes that when coalesced form a sloping surface. At its most prominent, the surface projects forward of the stepback line. Where the building surface is most recessed, at the southern end of the structure, it is well behind the stepback line. The applicant provided OP with the following graphic, which attempts to illustrate the relationship of the building mass to the special exception stepback lines.



OP has no objection to the requested relief. The subject site is unique in that it occupies a prominent location outside of and visible from the interior of the baseball stadium. While not all buildings should be sculptural in form, this location is appropriate for a strong architectural expression. The intent of the regulation – to allow adequate light and air on Half Street and create a pedestrian-scaled environment – would not be impaired. The proposed building form would allow extra light into Half Street by opening up the southern exposure of the street. And while the building would recede from the street, it still would still provide appropriate enclosure with a streetwall up to almost 40 feet at the corner of N and Half.

### **3. Variance from clustering of compact spaces (§ 2115.4)**

The column spacing resulting from the proposed design would allow some clustering of compact spaces, but not in all cases the five contiguous spaces required by this regulation. Please refer to Sheets A201 through A203 of Exhibit 21B. OP has no objection to the requested relief.

### **4. Variance from loading requirements (§ 2201)**

The building would provide loading per the following table.

Item	Required		Provided
	Retail	Residential	
55 foot berth	1	1	0
30 foot berth	1	n/a	2
20 foot delivery space	1	1	2
100 square foot platform	1	n/a	Sheet A301 shows a platform with an area of approx.. 300 sf
200 square foot platform	1	1	

The narrow dimension of Van Street is an exceptional condition. The applicant has studied the movements for a 55 foot truck in Van Street and found that the truck could not access the loading dock without crossing over sidewalks. The narrowness of the street creates a practical difficulty for the applicant since providing a 55 foot berth could result in impacts to either the public space or significant impacts to the ground floor design. Providing only 30 foot berths would not impact the public good or intent of the Regulations. In the District it is typical that residential tenants are only served by 30 foot trucks, and the applicant has proposed a loading management plan on page 13 of the transportation study (Exhibit 21C). OP has no objection to this relief and notes that similar relief was granted as part of case #08-30.

### **5. Special exception from penthouse enclosing wall requirement (§ 411.9)**

Section 411.9 requires that walls enclosing a single use in the penthouse must be of one uniform height. In the proposed design, the residential use has enclosing walls of two heights – one enclosing the main portion of the story at 10 feet above roof level and another enclosing the mezzanine at 20 feet above roof level. (A mezzanine is permitted in the CR zone per § 630.4.) Section 411.11 allows special exception relief from § 411.9, subject to the following criteria:

- (a) **Operating difficulties such as meeting Building Code requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;**

Full compliance would be unduly restrictive given the terracing motif used throughout the building's mass. Providing a 20 feet tall penthouse within a single enclosing wall would break with the rhythmic steps the rest of the design would provide at each floor. A single 20 foot wall could present an unnecessarily large mass on top of the rest of the building.

- (b) The intent and purpose of this chapter and this title will not be materially impaired by the structure; and**

In this case the intent of the penthouse regulations would not be impaired by a penthouse having two heights for residential space. The design would help minimize the bulk and visibility of the structure, and the penthouse structure as a whole would meet a 1-to-1 setback from the edge of the roof. Please refer to Sheet A503 of Exhibit 21B.

- (c) The light and air of adjacent buildings will not be affected adversely.**

The design of the penthouse should have no detrimental impact to the light and air available to nearby buildings.

## **VI. CRITERIA OF THE CAPITOL GATEWAY OVERLAY**

The Capitol Gateway Overlay District lists a number of objectives for the overlay and provides specific criteria for the Zoning Commission review of proposed developments. The following is OP's analysis of these standards as applied to the application.

### **§1600.2 The purposes of the CG Overlay District are to:**

- (a) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area;**

The project proposes residential and retail uses, which are appropriate in the CG Overlay. The proposed height of 110 feet and the design shown by the applicant are generally appropriate to an area near the center of the city and accessible by Metro. OP strongly supports the style of architecture. The massing of the building would require relief from the setback provision of the Overlay, but its distinctive shape would provide a visual marker for the neighborhood and for views from the baseball stadium.

- (b) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses;**

The project proposes ground floor retail, which would meet the intent of this section, and which would enhance the pedestrian experience along Half, N and Van Streets. The retail would add to the planned entertainment and retail environment in the area near the baseball stadium. The influx of new residents would also help support local retail options.

- (h) Provide for the development of Half Street, SE as an active pedestrian-oriented street with active ground floor uses and**

**appropriate setbacks from the street facade to ensure adequate light and air, and a pedestrian scale; and**

Because of the residential use and concentration of ground floor retail, the proposed development would create an active pedestrian character on Half Street. The second floor retail would provide added vitality and visual interest. The sculpted shape of the building, which “erodes” at its southeast corner, would allow extra light and air into Half Street, but maintain enough of a street wall to frame the view toward the stadium, and block ground level views of the baseball parking garages. The numerous balconies and landscaping on the building would also help to add character and interest to the street.

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**§ 1607 Buildings, Structures and Uses on Half Street, SE, South of M Street, SE**

**§ 1607.1 The following provisions apply to new buildings, structures, or uses with frontage on Half Street, SE south of M Street, SE, within the CG Overlay.**

**§ 1607.2 Any portion of a building or structure that exceeds 65 feet in height shall provide a minimum step back of 20 feet in depth from the building line along Half Street, SE. Pursuant to § 3104, the Zoning Commission may grant relief from this requirement, to a maximum of 15 feet in height and 8 feet in depth, for the provision of reasonable development footprints.**

Because of the proposed form of the building, the applicant has requested relief from this section, as described in more detail in Section VI of this report, above. The proposed design would meet the intent of this section to provide adequate light and air to Half Street while maintaining a pedestrian-scaled environment

**§ 1607.3 Each new building shall devote not less than seventy-five percent (75%) of the gross floor area of the ground floor to retail, service, entertainment, or arts uses (“preferred uses”) as permitted in §§ 701.1 through 701.5 and §§ 721.1 through 721.6 of this Title; provided, that the following uses shall not be permitted: automobile, laundry, drive-through accessory to any use, gasoline service stations, and office uses (other than those accessory to the administration, maintenance, or leasing of the building).**

The entire building approved in case 08-30A, spanning from M to N Streets, was granted relief from this provision to provide approximately 69% of the ground floor to retail uses. Page 9 of Exhibit 21 states that the currently proposed design would increase the ground floor retail floor area so that the building as a whole would now conform to the requirement. The design incorporates ground floor preferred uses wherever possible. The only exceptions are for lobbies, loading and service space, and garage entrances.



**§ 1607.4 Preferred uses shall occupy 100% of the building's street frontage along Half Street, SE, except for space devoted to building entrances or required to be devoted to fire control.**

Preferred uses would occupy all of the Half Street frontage of the building.

**§ 1607.5 The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.**

The application materials indicate that the design would comply with this provision.

**§ 1607.6 For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by § 1607.2 by non-preferred uses for up to a five (5) year period; provided, that the ground floor space is suitably designed for future occupancy by the preferred uses.**

The applicant has not requested temporary-use relief.

**§ 1607.7 No private driveway may be constructed or used from Half Street, SE to any parking or loading berth areas in or adjacent to a building or structure constructed after February 16, 2007.**

There is no vehicular access from Half Street. All parking and loading is accessed from Van Street. The applicant will be creating a private alley, known as the Via, which will bisect the property and be for pedestrian traffic only. OP supports the layout of the project.

**§ 1607.8 Where preferred use retail space is required under this section and provided, the provisions of DCMR 11 § 633 shall not apply.**

In conformance with this provision, the design does not incorporate a formal ground level public plaza. The design, however, would create a potential public gathering spot in the Via and could also potentially enhance the Half Street right-of-way so that it could be used not only for adjacent retailers but also for events when the street is closed to automobile traffic.

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**§ 1610 Zoning Commission Review of Buildings, Structures and Uses**

**§ 1610.1 The following provisions apply to properties located:**

- (b) On a lot that abuts M Street, SE;**
- (c) On a lot located within Squares 700 or 701, north of the Ballpark site;**

- (f) **Any lot that is the recipient of density through the combined lot provisions of § 1602.**

**§ 1610.2** With respect to those properties described in § 1610.1, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions.

**§ 1610.3** In addition to proving that the proposed use, building, or structure meets the standards set forth in § 3104, an applicant requesting approval under this section must prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

- (a) **Help achieve the objectives of the CG Overlay District as set forth in §1600.2;**

The project would help achieve the objectives of the CG Overlay by adding a mix of uses to the area, including ground floor retail. The height and bulk of the building would be appropriate and as prescribed by the Comprehensive Plan, and would help establish Half Street, N Street and Van Streets as active streets with a vibrant retail presence complimentary to the baseball stadium. The development should provide adequate sidewalk width along adjacent streets. The proposal would also meet the goal of achieving an appropriate design through its distinctive, quality design.

- (b) **Help achieve the desired mixture of uses in the CG Overlay District as set forth in §§ 1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail or service uses;**

The proposal would provide residential and significant retail, appropriate uses in an area developing as a mixed use neighborhood with a focus on entertainment and hospitality uses. Retail is identified as a preferred use in the CG overlay.

- (c) **Be in context with the surrounding neighborhood and street patterns;**

The proposed development would respect and enhance the surrounding neighborhood and street patterns. The neighborhood has an emerging architectural character with some of the new buildings on M, South Capitol and Half Streets, as well as the baseball stadium, sharing a modern vernacular. The design of the proposed building would expand on that trend by using a very contemporary building form and massing configuration, while framing the Half Street streetscape.

- (d) **Minimize conflict between vehicles and pedestrians;**

The proposed design would generally help to minimize conflict between vehicles and pedestrians. All loading and parking would be accessed from Van Street, which serves as an alley for this square. Residential lobbies and some retail would also be on Van Street, and their presence would emphasize pedestrian priority on that street. The other façades of the building would be entirely focused on pedestrian-activating uses, and the Via would be a pedestrian-only zone. While the proposed streetscapes still need to be approved by DDOT, their conception seems to provide significant space for pedestrians and street-activating uses such as sidewalk cafes. The applicant is also providing 152 bicycle parking spaces, which should encourage bicycle use and further reduce auto demand.

**(e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and**

The building would have almost no blank walls fronting public space. The ground floor would be mostly retail with glass storefronts, residential building entrances, and the garage and loading doors. Much of the façade is further activated with double-story retail.

**(f) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.**

Based on the LEED checklist provided on Sheet A108 of Exhibit 21B, the building would definitely qualify for 51 points, the equivalent of the Silver level. OP recommends that the applicant examine ways to achieve the equivalent of a higher LEED rating for the building.

**§ 1610.5 With respect to a building or structure which has frontage on Half Street S.E. south of M Street S.E. or Front Street S.E. south of M Street S.E.:**

- (a) The building or structure shall provide for safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses including retail, entertainment, cultural, and pedestrian concourse space;**
- (b) The building or structure shall provide for safe and convenient movement to and through the site, including to public transit, the Ballpark, and to the Anacostia River; and**

The building would provide for a safe and active pedestrian streetscape. Retail uses would line the entire Half Street façade. Second story retail would also help to activate the street, and the façade above is highly articulated, including balconies and decks. OP has asked the applicant to prepare a more detailed rendering of the ground floor retail environment and expects that to be provided at the public hearing. While final streetscape designs will need to be coordinated with other property owners and approved by DDOT, the preliminary designs shown in the application would present adequate width for pedestrian movements and provide space for outdoor seating.

The subject site is steps from both the west entrance to the Navy Yard metro and the ballpark. Access to the Anacostia River is available just south of the ballpark.

- (c) **The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.**

The application has provided some view analyses for important landmarks, including the ballpark and the Capitol dome, which would not be visible due to intervening buildings. OP has asked the applicant to provide an additional rendering showing the view south on Half Street encompassing as much of the built and approved context on that street as possible.

**§ 1610.7 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.**

As described in this report, the design of the project would require relief from lot occupancy, Half Street step back, compact space, loading and penthouse requirements.

## **VII. COMPREHENSIVE PLAN**

The proposed development does not require PUD or rezoning approval, and is generally consistent with most aspects of the zoning regulations, specifically height, FAR and use. The proposal is generally consistent with the Comprehensive Plan and is consistent with major policies from various elements of the Comprehensive Plan including the Land Use, Transportation and Economic Development Citywide Elements, and the Lower Anacostia Waterfront / Near Southwest Area Element. The Land Use Element encourages infill development and development near metro stations (Policies LU-1.3.1 and LU-1.3.2). That element also envisions the neighborhood near the baseball stadium as one of the areas for growth of the central city, with significant office and residential development (§304.3). The Transportation Element supports transit-oriented development and discourages auto-oriented uses (T-1.1.4 and T-1.2.3). The proposed development would concentrate residential and retail a matter of steps from a Metro entrance and improve the streetscape to encourage walking. The Economic Development Element policies seek to enhance DC as a regional shopping destination and also promote “new and enhanced visitor and entertainment venues” to draw national and international visitors (Policies ED-2.2.2 and 2.3.2). The retail in the proposed development could potentially be used for a restaurant or other visitor-related uses. The production of additional affordable housing would also further several policies of the Housing Element, which calls the creation of affordable housing a civic priority.

The Lower Anacostia Waterfront / Near Southwest Area Element encourages the development of new neighborhoods on lands that are vacant or available for redevelopment, and especially emphasizes the need to provide additional retail options for these areas (Policies AW-1.1.2 and

1.1.3). That element goes on to emphasize the need for a pedestrian friendly environment (Policy AW-1.1.6). The proposed development would be a major factor in creating a new, walkable and mixed use neighborhood in near southeast and would not be inconsistent with the policies of the Comprehensive Plan.

### **Comprehensive Plan Land Use Maps**

The Comprehensive Plan's Generalized Policy Map describes this neighborhood as a Land Use Change Area. The Comprehensive Plan anticipates and encourages the redevelopment of underutilized sites in Land Use Change Areas. Plan policies promote a mix of uses in these areas as well as "exemplary site and architectural design" (Comprehensive Plan, §223.12). The plan notes that these areas have the potential to become complete mixed use communities (§223.11). The Future Land Use Map designates this area for a mix of High Density Residential and High Density Commercial uses. The proposed development is not inconsistent with the Comprehensive Plan's land use map designations.

## **VIII. COMMUNITY COMMENTS**

The ANC has voted unanimously to support the project. Its report can be seen at Exhibit 19.

## **IX. SUMMARY OF OP COMMENTS**

OP supports the proposed modification as well as the requested relief, and feels the project generally meets the criteria of the Capitol Gateway Overlay. The project would help create a vibrant pedestrian environment and contribute to the architectural character of the area. The following summarizes OP comments from this report.

<b>OP Comment</b>	<b>Planning and / or Zoning Rationale</b>
The applicant should provide additional descriptions, details and sample of the materials proposed for the exterior of the building.	For a full understanding of the appearance of the building, the Commission and staff require a greater level of detail than has been provided.
The design should achieve a greater LEED-equivalent rating.	Environmental protection is an important goal of the Comprehensive Plan.
Provide additional renderings of the ground floor retail environment and the building in its context.	Additional information is required to fully evaluate the project against the criteria of the Overlay.